



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> June 16, 2006 <b>LOCAL EFFECTIVE DATE</b> June 30, 2006 <b>APPROX FINAL EFFECTIVE DATE</b> July 21, 2006	<b>CONTACT/PHONE</b> Ryan Hostetter/Kate Ballantyne 788-2351/788-2765	<b>APPLICANT</b> Sherwood Drive Underground Utility District via Department of Public Works	<b>FILE NO.</b> DRC2005-00136
<b>SUBJECT</b> Request by San Luis Obispo County Public Works Department (representing the Sherwood Underground Utility District) for a Minor Use Permit/Coastal Development Permit to underground existing overhead utility lines along Sherwood Drive and the single block closest to Sherwood Drive on Wedgewood Street, Castle Street, Drake Street, Jean Street, and Kerwin Street in the community of Cambria (see attached location map). Work will be conducted in the public right-of-way and at each individual lot to tie-into the main system. The project intends to provide a scenic enhancement benefit in the assessment area.  The project will result in the disturbance of approximately 0.05 acre, and 233 cubic yards of material are proposed to be excavated. Approximately 2100 feet of trench, 3 feet deep by 1 foot wide will be excavated. Five transformers will also be buried. The proposed project is within the Residential Single Family land use category and is in the North Coast Planning Area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit DRC2005-00136 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 2 Categorical Exemption (Section 15302 (d)) was issued on January 20, 2006.			
<b>LAND USE CATEGORY</b> Residential Single Family	<b>COMBINING DESIGNATION</b> Local Coastal Plan, Archaeologically Sensitive Area, and Coastal Appealable Zone	<b>ASSESSOR PARCEL NUMBER</b> Book 023, Page's 1, 4, 8, 15, 16, 18, 45, 88, 87, 86, & 46	<b>SUPERVISOR DISTRICT(S)</b> 2
<b>PLANNING AREA STANDARDS:</b> Not applicable			
<b>LAND USE ORDINANCE STANDARDS:</b> 23.07.104 – Archaeologically Sensitive Areas <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ Fax: (805) 781-1242</small>			

EXISTING USES: Roadway, road shoulder, landscaped yards	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> residential single family/single family residences <i>East:</i> residential single family/single family residences <i>South:</i> residential single family/single family residences <i>West:</i> residential single family/single family residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North Coast Advisory Council, Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, Cambria Community Services District, APCD, Cal Trans, Regional Water Quality Control Board, and the California Coastal Commission	
TOPOGRAPHY: Nearly level coastal terrace	VEGETATION: Landscaping plants, ruderal roadside weeds
PROPOSED SERVICES: This project is to underground existing utilities, therefore no services are necessary.	ACCEPTANCE DATE: May 4, 2006

## DISCUSSION

### PROJECT HISTORY

The County received a letter in April 2001 from representatives of the Sherwood Drive area of Cambria advising that the majority of property owners were supportive of the formation of an assessment district to underground existing overhead wires and above ground utilities. The Board of Supervisors passed a resolution on August 10, 2004 creating the Sherwood Drive Underground Utility Assessment District. The proposed project will fulfill the purpose of the District.

### LAND USE ORDINANCE STANDARDS:

#### *Section 23.07.104 - Archaeologically Sensitive Areas*

An archaeological survey report was prepared for the project. Mitigation measures will reduce potential impacts on identified and potential cultural resources to a level of insignificance.

### COMBINING DESIGNATIONS:

#### *Section 23.01.043- Appeals to the Coastal Commission (Coastal Appealable Zone)*

The proposed project is appealable to the California Coastal Commission because the site constitutes proposed development between the first public road and the sea.

### COASTAL PLAN POLICIES:

Shoreline Access: ☒ N/A Policy No(s):  
 Recreation and Visitor Serving: ☒ N/A Policy No(s):  
 Energy and Industrial Development: ☒ N/A Policy No(s):  
 Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A Policy No(s):  
 Environmentally Sensitive Habitats: ☒ N/A Policy No(s):  
 Agriculture: ☒ N/A Policy No(s):  
 Public Works: ☒ N/A Policy No(s):  
 Coastal Watersheds: ☒ N/A Policy No(s):

**Visual and Scenic Resources: Policy No(s): 8 (Utility Lines within View Corridors).**

The proposed project is consistent with this policy that utility lines within public views should be placed underground, where overhead lines would detract from ocean views. The proposed project will benefit the public at large as well as the private residences within the Sherwood Underground Utility District by undergrounding existing overhead utility lines. The project area is adjacent to three designated "vista points" along the bluff face southwest of Sherwood Drive.

Hazards: ☒ N/A      Policy No(s):

**Archaeology: Policy No(s): 1 (Protection of Archaeological Resources).** The proposed project is consistent with this policy, because as conditioned, the project will protect archaeological resources through monitoring by a professional archaeologist during earth moving activities near sensitive areas.

**Policy 4 (Preliminary Site Survey for Development within Archaeologically Sensitive Areas).** The proposed project is consistent with this policy, because a records search and Phase 1 survey were conducted by a qualified archaeologist knowledgeable in Chumash and Salinan culture. Although one cultural resource site is located within the project footprint, it is believed that the site has been significantly altered in the project area. Nonetheless, monitoring will take place during construction near and within site boundaries.

**Policy 6 (Archaeological Resources Discovered during Construction or through Other Activities).** The proposed project is consistent with the policy, because the project is conditioned so that if any resources are discovered during construction (either in the public right of way or individual parcels), work shall stop until the project site can be evaluated by a professional archaeologist.

Air Quality: ☒ N/A      Policy No(s):

***Does the project meet applicable Coastal Plan Policies:*** Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS: North Coast Advisory Council approved the project with no comments at their March 15, 2006 meeting.

AGENCY REVIEW:

Public Works- Construction sedimentation and erosion control plan required.

Environmental Health – No water or wastewater proposed, therefore we have no comments at this time.

Ag Commissioner-“No Comment”

LEGAL LOT STATUS:

Most of the project site is in the public right-of-way. There are 99 parcels in the assessment area, of which, 95 will pay an assessment, and will require tie-ins to their lot.

The 99 lots were legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Kate Ballantyne & Ryan Hostetter and reviewed by Matt Janssen

## EXHIBIT A - FINDINGS

### *CEQA Exemption*

- A. The project qualifies for a Class 2 Categorical Exemption pursuant to CEQA Guidelines Section 15302(d) because the project meets the following requirements, "*Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.*" Archaeological monitoring is included in the project to protect against any incidental discoveries of intact archaeological resources.

### *Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies, including Coastal Plan policies regarding visual and scenic resources and archaeology.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the Sherwood Utility Undergrounding project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because it is supported by a majority of the assessed land owners and the project will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project will not change traffic volumes.

### *Coastal Access*

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project will not inhibit access to the coastal waters and recreation areas.

### *Archaeologically Sensitive Area*

- H. The site design and development incorporate adequate measures to ensure that archaeological resources will be acceptably and adequately protected because no intact cultural resources were located within the project area, and monitoring by a qualified professional archaeologist will be required in sensitive areas. Work will be stopped in cases of incidental discovery of archaeological materials for evaluation by a professional archaeologist.

## **EXHIBIT B - CONDITIONS OF APPROVAL**

### **Approved Development**

1. This approval authorizes the Public Works Department (on behalf of the Sherwood Drive Underground Utility District) to conduct utility undergrounding within the public right-of-way for visual enhancement along a portion of Sherwood Drive and portions of Wedgewood, Castle, Drake, Jean, and Kerwin Streets, and authorizes the individual lot owners in the assessment district to replace existing overhead utility lines with underground services to and on their private parcels. This work will be conducted consistent with the approved site plans.

### **Conditions to be completed prior to commencement of ground-disturbing activities**

2. An archaeological monitor will conduct on-site cultural resources sensitivity training (crew education) to all workers performing ground disturbance activities that are immediately adjacent to the project's area of direct impact at site CA-SLO-697. Prior to the beginning of earth-moving construction activities, all construction personnel (including management) will be informed of the cultural resource values involved and of the regulatory protections afforded those resources. The construction personnel will also be informed of procedures relating to the discovery of unanticipated cultural resources (as outlined below). They will be cautioned not to collect artifacts, and asked to inform a construction supervisor and the onsite archaeological monitor in the event that cultural remains are discovered during the course of construction. Prior to their commencement of ground disturbing construction activities, the on-site archaeological monitor will administer supplemental briefings to all new construction personnel who may perform ground disturbing activities during the project.
3. The archaeological monitor will confirm the placement of exclusion fencing prior to earth-moving operations. The archaeological monitor will serve as the point of contact for local Native American tribal representatives and will coordinate with the Native American Monitor.

### **Conditions to be completed during project construction**

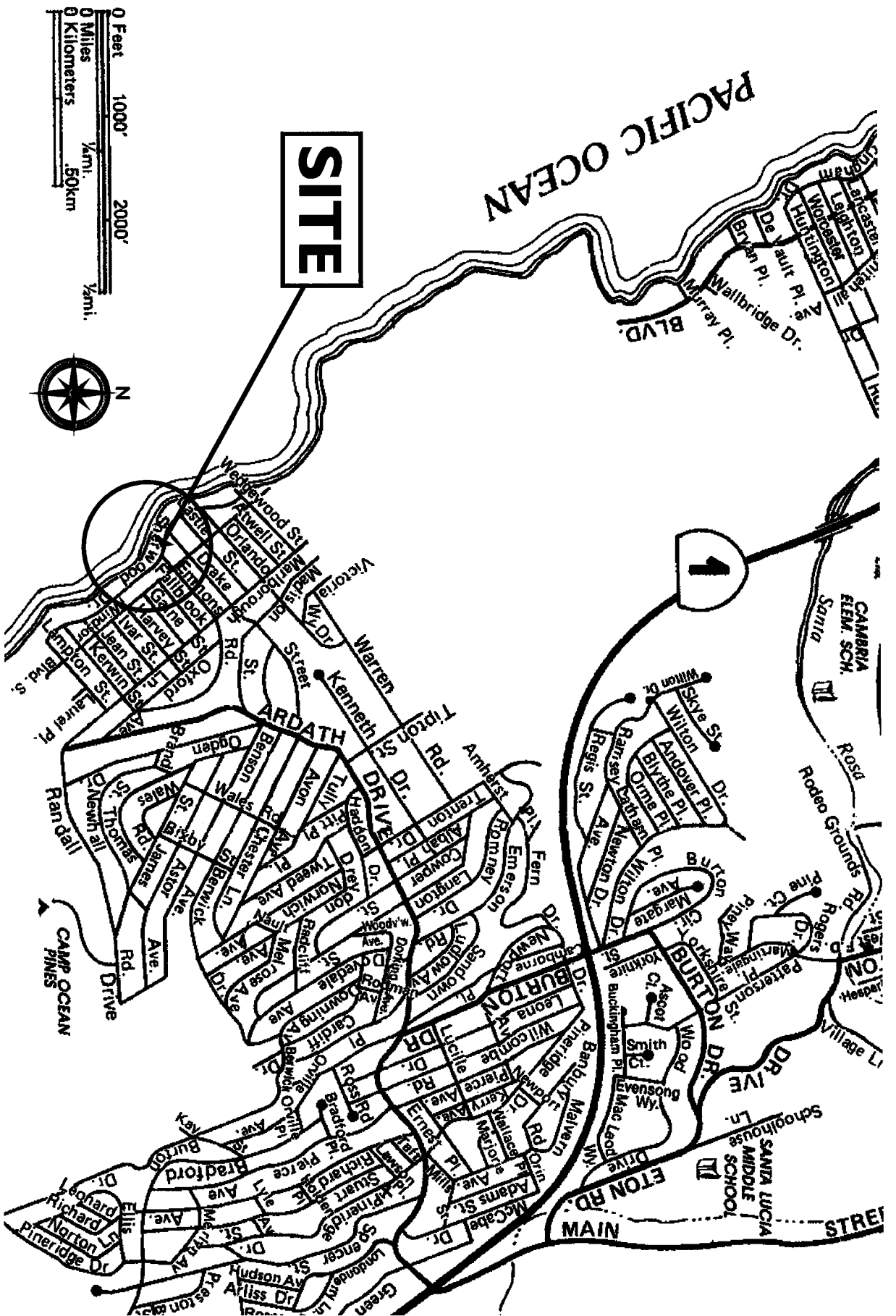
4. All earth moving construction within 50 feet of the project's Area of Direct Impact (ADI) at CA-SLO-697 will be monitored by a professional archaeologist. This monitoring will be full-time (i.e., the archaeological monitor will be present whenever any earth-moving activity is conducted). The archaeological monitor will be provided with updated construction schedules, at least one week in advance, throughout the duration of the project.
5. The archaeological monitor will have the authority to halt construction, if necessary, to investigate any potentially significant deposits unearthed during excavation in the vicinity of site CA-SLO-697 or any other incidentally encountered cultural sites not previously recorded.

6. Because resources of concern to Native Americans have been identified in the project area, a Native American Monitor will monitor ground-disturbing activities in the vicinity of CA-SLO-697.
7. During earth moving activities, in the event archaeological resources are unearthed or discovered, construction in the vicinity of the find shall stop, and the Environmental Coordinator shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
8. In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified so proper disposition may be accomplished.

**On-going conditions of approval (valid for the life of the project)**

9. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
10. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

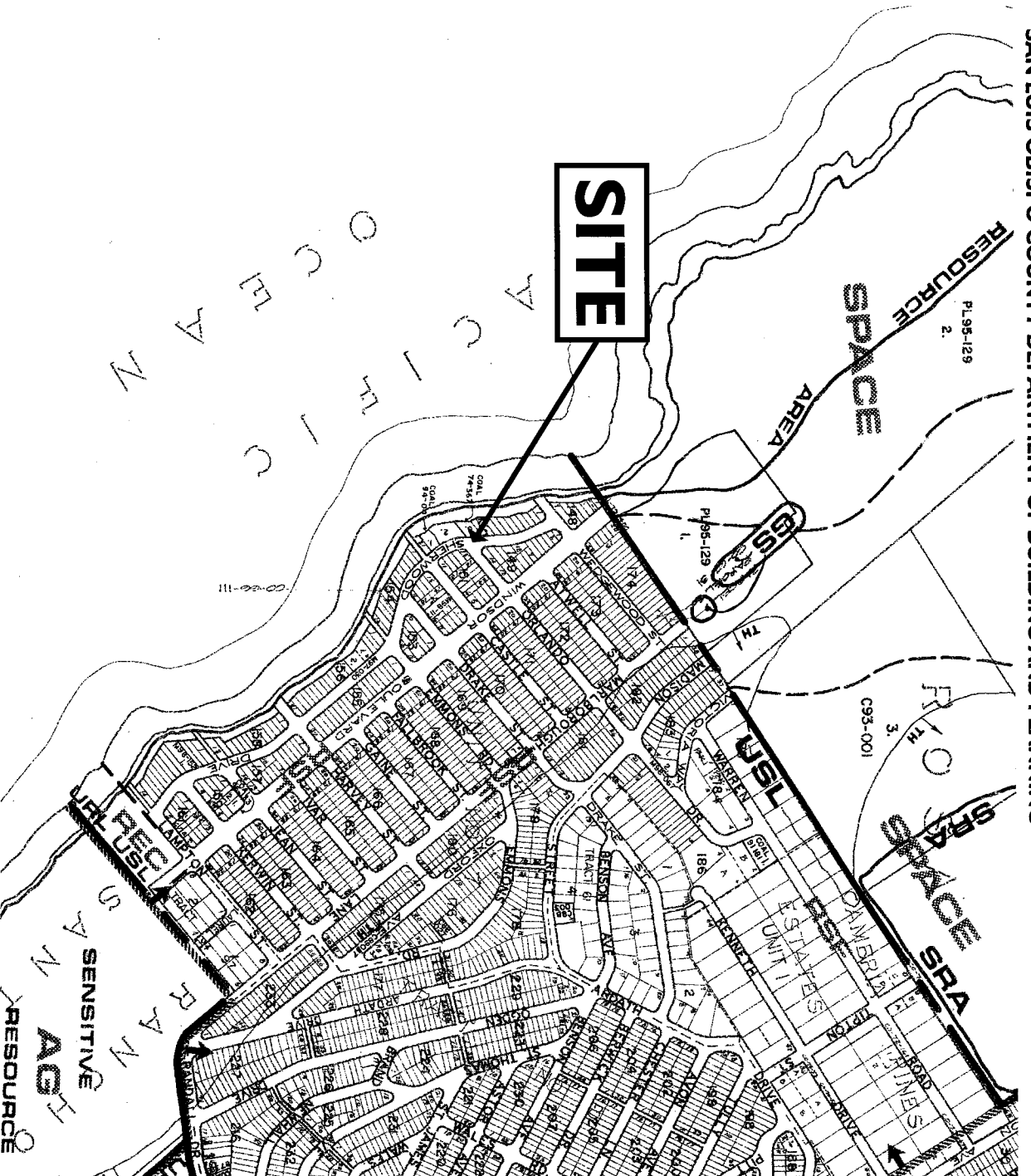
Minor Use Permit  
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EXHIBIT

Cambria Vicinity







PROJECT

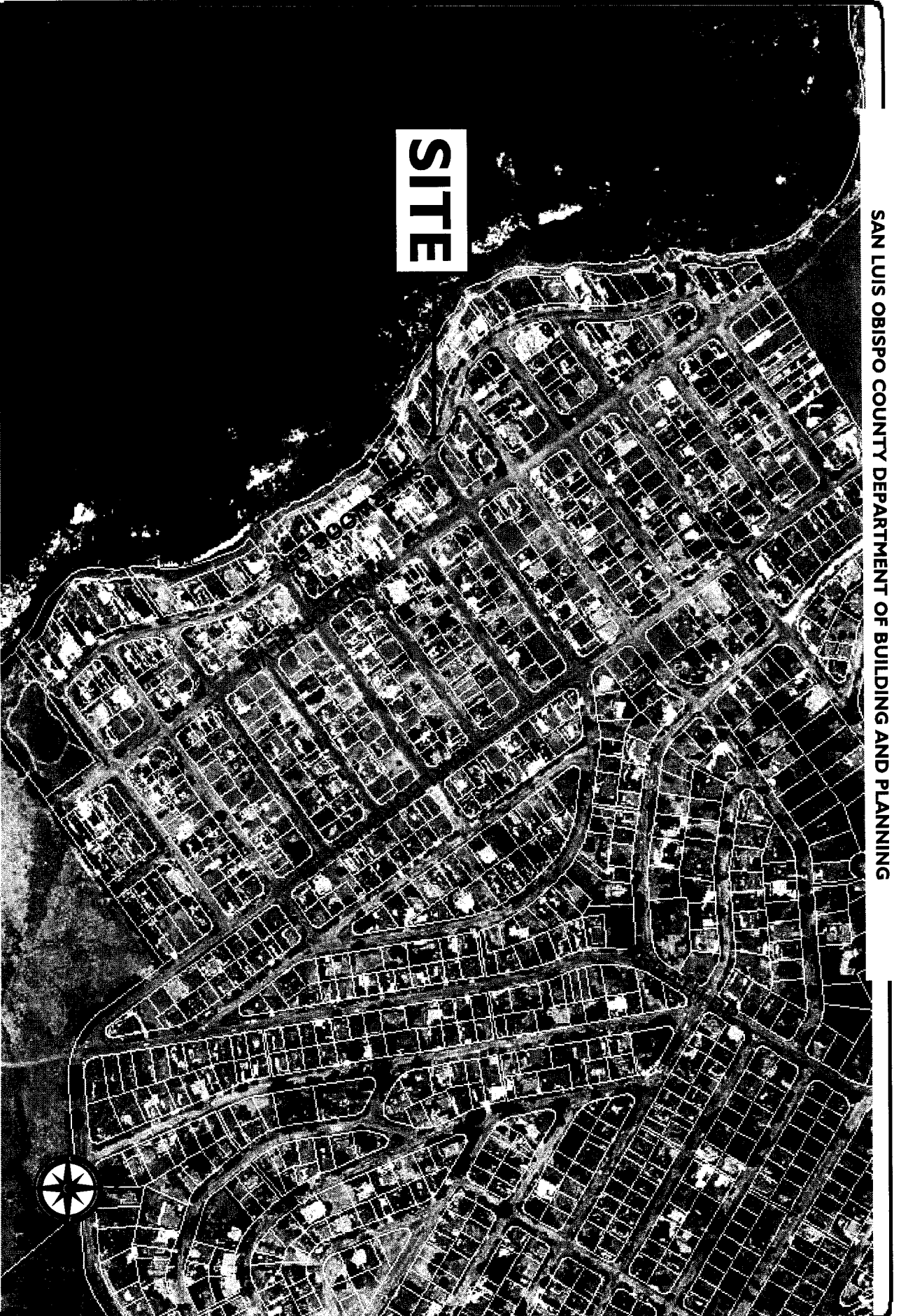
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EXHIBIT

Land Use Category



**SITE**



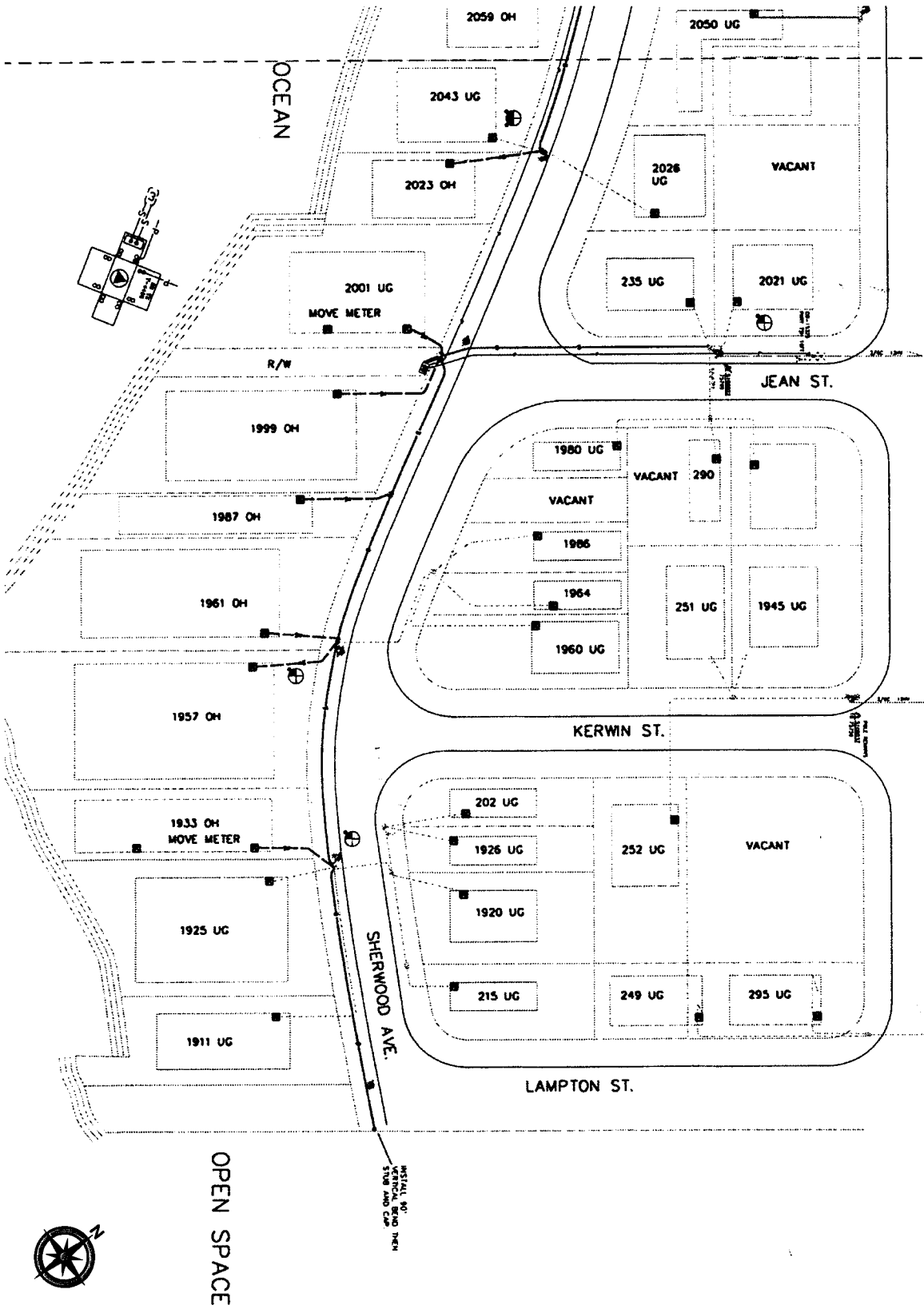
**PROJECT**

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**EXHIBIT**

Aerial Photo



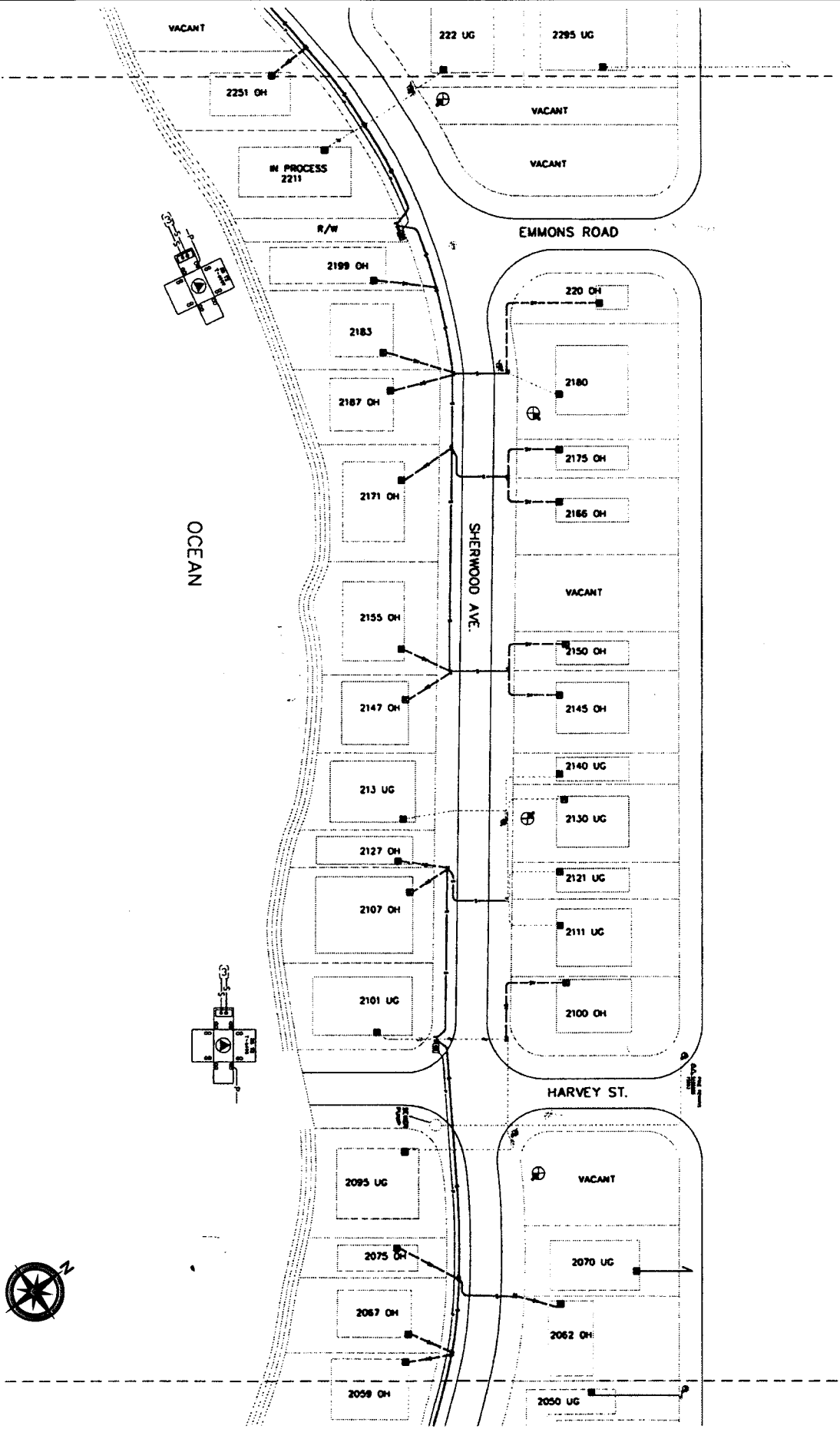
PROJECT

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EXHIBIT

Site Plan - Part 1



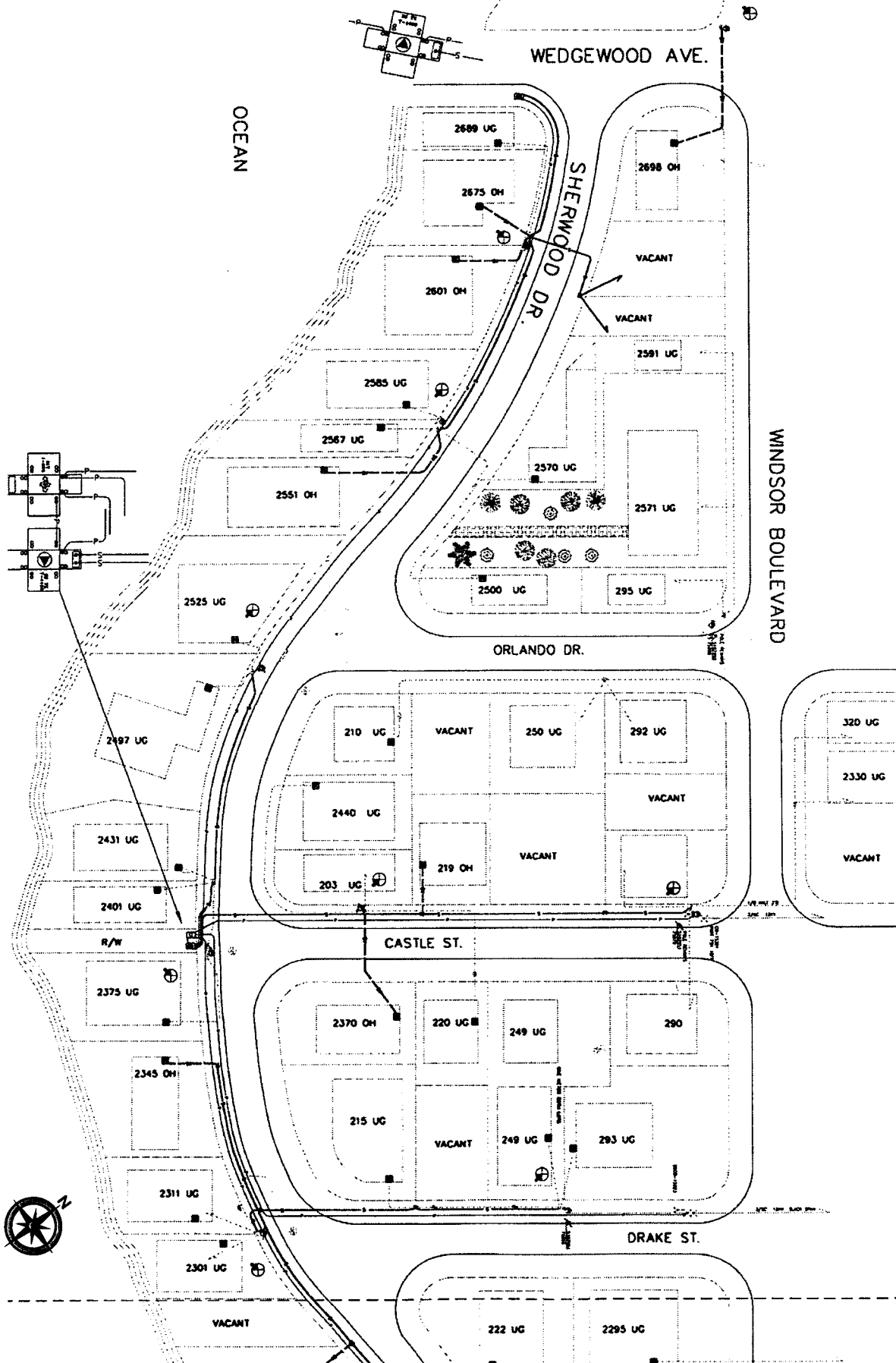
PROJECT

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EXHIBIT

Site Plan - Part 2



**PROJECT**

Minor Use Permit  
Sherwood Underground Utility Dist. DRC2005-00136



**EXHIBIT**

Site Plan - Part 3

